

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

DEBORAH S WILLHITE, )  
                          )  
                          )  
Plaintiff,            )  
v.                     )       Case No. CIV-09-330-JHP-SPS  
                          )  
MICHAEL J. ASTRUE, Commissioner )  
of the Social Security Administration, )  
                          )  
                          )  
Defendant.            )

**ORDER AFFIRMING AND ADOPTING THE REPORT AND  
RECOMMENDATION OF THE UNITED STATES  
MAGISTRATE JUDGE**

On September 15, 2010, the United States Magistrate Judge entered a Report and Recommendation in regard to Plaintiff's request for judicial review of the decision of the Commissioner of the Social Security Administration. The Magistrate Judge recommended that the decision of the Administrative Law Judge be reversed and remanded pursuant to the fourth sentence of 42 U.S.C. §405(g). The defendant has not filed an objection to the Magistrate Judge's Report and Recommendation within the time prescribed by law. 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(a).

This court finds that the Report and Recommendation of the Magistrate Judge is supported by the record. Therefore, upon full consideration of the entire record and the issues presented herein, the court finds and orders that the Report and Recommendation entered by the United States Magistrate Judge on September 15, 2010, be **AFFIRMED** and **ADOPTED** by this court as its Findings and Order.

**IT IS SO ORDERED** this 27<sup>th</sup> day of January 2011.

  
James H. Payne  
United States District Judge  
Eastern District of Oklahoma